

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**MILISSA JONES**

**Plaintiff,**

**V.**

**2:07 CV273-WKW**

**FLYING J, INC.**

**Defendant.**

## PLAINTIFF'S OBJECTIONS TO DEFENDANT'S EXHIBIT LIST

The Plaintiff objects to the Defendant's exhibit list as follows:

1. Plaintiff objects to Exhibits 10-28 and 34 as irrelevant. These exhibits are termination forms, time cards and schedules for employees who are not proper comparators because they did not hold the same title or position as the Plaintiff, did not have the same responsibilities, nor had they missed the same number of days of work (either consecutively or otherwise) as the Plaintiff. The Plaintiff was the convenience store manager unlike any of the employees associated with the subject exhibits.

Proper comparators must be ““similarly situated in all relevant respects....

“In determining whether employees are similarly situated ...it is necessary to consider whether the employees are involved in or accused of the same or similar conduct and are disciplined in different ways.” ”” *Jones v. Bessemer Carraway Med. Ctr.*, 137 F.3d 1306, 1311 (11th Cir.1998) (citing *Holifield v. Reno*, 115 F.3d 1555, 1562 (11th Cir.1997)). ““In order to satisfy the similar offenses prong, the comparator's misconduct must be nearly identical to the plaintiff's....” ”” *Silvera v. Orange County Sch. Bd.*, 244 F.3d 1253, 1259 (11th Cir.2001) (quoting *Maniccia v. Brown*, 171 F.3d 1364, 1368-69 (11th Cir.1999)).

Respectfully submitted,

/s/ Adam P. Morel

Adam P. Morel

Attorney for Plaintiff

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I hereby certify that on the 11th day of July, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

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\_\_\_\_\_ */s/ Adam P. Morel*

OF COUNSEL